

## SECTION 1 TITLE, CREATION AND ADOPTION

1.1 This ordinance shall be known as the Sypes Canyon Zoning Ordinance and is adopted specifically for Sypes Canyon Zoning District No. 1. Said district having been created by resolution of the Board of County Commissioners, Gallatin County, Montana.

1.2 Pursuant to Section 76-2-101, M.C.A., there has been created a Planning and Zoning Commission for the Sypes Canyon Zoning District No. 1 which consists of the three County Commissioners, the County Surveyor and the County Assessor.

1.3 Pursuant to Section 76-2-101, M.C.A., there is hereby adopted a development pattern consisting of the Sypes Canyon Zoning Ordinance and Zoning Map.

1.3.1 The Planning and Zoning Commission shall have all the powers developed upon it by the state statutes of the State of Montana and by this ordinance.

## SECTION 2 PURPOSE

2.1 The purpose for this ordinance is to:

1. Promote the health, safety, morals and general welfare of county residents;
2. Lessen congestion in the streets;
3. Secure safety from fire, panic and other dangers;
4. Provide adequate light and air;
5. Prevent overcrowding of land;
6. Avoid undue concentration of population;
7. Facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements;
8. Protect agriculture lands from urban encroachment.

2.2 This ordinance is adopted under provision of Section 76-2-101 through Section 76-2-112, M.C.A., 1978, and is intended to be in effect only when adopted under said law in conjunction with a zoning map.

## SECTION 3 DEFINITIONS

For the purpose of this ordinance, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; the words if used "or" "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied." The word "person" shall include corporation, partnership, or other legal entity. Where other definitions are necessary and are not defined herein, the Board of County Commissioners may define such terms.

3.1 Accessory Use or Building - The use of land or a subordinate building or a portion of a main building such use being secondary to or incidental to the principal use or structure.

3.2 Agriculture - The tilling of soil, the raising of crops, horticulture and gardening, dairying or animal husbandry including all uses customarily incidental thereto, but not including any agriculture industry or business such as fruit packing plants, fur farms, animal hospitals, commercial feed lots or similar uses.

3.3 Apartments - A building or portion thereof designed with more than four individual dwelling units.

3.4 Automobile Wrecking - Dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled, or partially dismantled, obsolete or wrecked vehicles or other parts.

3.5 Building - Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

3.6 Building Height - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

3.7 Building Perimeter - The foundation walls of a building and/or supports for appendages thereto.

3.8 Church - A building designed for public worship by any religious body.

3.9 Conditional Use - See definition - use, conditional.

3.10 Density - The total number of dwelling units allowed per gross acre.

3.11 Dwelling - A building or portion thereof designed with living quarters for occupancy by one or more families.

3.12 Dwelling, one-family - A building designed with accommodations for and occupied by one family only.

3.13 Dwelling, multi-family - A building designed with two to four dwelling units.

3.14 Dwelling unit - A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.

3.15 Family - Any individual or two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.

3.16 Floor Area - The total number of square feet of floor space within the exterior walls of a building (except for one finished room in the basement, floor areas of basements shall not apply as part of the required minimum floor area of buildings).

3.17 Home Occupation - The use of a portion of a dwelling as an office, studio, or work room for occupations at home by one or more persons residing in the dwelling unit. No home occupation shall occupy more than 20 percent of the gross floor area nor more than 400 square feet of gross floor area. The activity must be clearly incidental to the use of the dwelling for dwelling purposes and shall not change the character or appearance thereof.

3.18 Junk Yard - Primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off or salvage material of any sort in any other than the original form in which it was manufactured and/or assembled, thus, not including reconditioned second-hand furniture, fixtures, or antiques sold from within a walled building.

3.19 Landscaping - The placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative plantings of trees, shrubs, grass, flowers, etc. This definition shall also include the designing of the placement of such materials.

3.20 Lot - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

3.21 Lot, corner - A lot situated at the junction of and abutting on two or more streets.

3.22 Lot, coverage - The total area of a lot covered by the principal and accessory buildings.

3.23 Lot lines - The lines bounding a lot as defined herein.

3.24 Lot width - The width of a lot along a line parallel to the frontage thereof and lying a distance equal to the required front yard setback on such lot.

3.25 Master Plan - Master plan shall include any document or portion of any document duly adopted by the County Commission which is intended to guide the growth and development of the area.

3.26 Mobile home - A transportable structure built on a chassis and designated to be used without a permanent foundation as a dwelling unit when connected to sanitary facilities, (the phrase "without permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.)

3.27 Mobile home park - A parcel of land that has been planned and improved for the placement of mobile homes for residential use.

3.28 Screened - Concealed or cut off from direct visual contact.

3.29 Setback - The horizontal distance required between any structure and a lot line. This distance to be measured at right angles.

3.30 Sign - Any face of any lettered or pictorial device and/or structure designed to inform or attract attention.

3.31 Structure - That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

3.32 Structural alteration - Any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joist, or roof joist.

3.33 Travel trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses which is not more than eight feet in body width nor thirty-two feet in body length.

3.34 Travel trailer park - Any area or tract of land rented or held out for rent to one or more persons or users for parking or placement of temporary recreational or vacation housing.

3.35 Use - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

3.36 Uses, conditional - Uses, other than permitted uses, that may be allowed in a specific district but requiring additional safeguards to maintain and assure the health, safety, morals, and general welfare of the community and to maintain the character of the district.

3.37 Variance - The relaxation of the strict application of the terms of this ordinance with respect to mechanical requirements such as setback requirements, yard requirements, area requirements, building height and parking requirements, etc., where specific physical conditions unique to the site of the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible.

3.38 Yard, front - An open space extending across the full width of the lot between the front building line and the front lot line.

3.39 Yard, rear - An open space extending from the side building line to a side lot line running from the front to the rear of the lot.

3.40 Yard, side - An open space extending from the side building line to a side lot line running from the front to the rear of the lot.

3.41 Zero lot line - The relaxation of the strict application of side yard requirements where two adjoining lot owners agree to the side yard reduction. (Two single-family dwellings may be constructed on the lot line with a common wall.)

3.42 Zoning Enforcement Agent - The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this ordinance.

#### SECTION 4 ESTABLISHMENT OF DISTRICTS

4.1 The jurisdiction of the County Zoning District is hereby divided into zones or "districts", as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

For the purpose of this ordinance, Sypes Canyon Zoning District No. 1 may be divided and classified into the following use districts:

- 1 - A-E Agriculture Exclusive
- 2 - A-S Agriculture Suburban
- 3 - R-S Residential Suburban
- 4 - F-1 Forest
- 5 - R-F Recreation/forest
- 6 - PLI Public lands and institutions

4.2 Certificate - The official map shall be available in the office of the County Clerk and Recorder and shall bear certificate with the signature of the Chairman of the Board of County Commissioners attested by the County Clerk and Recorder and the date of adoption of this ordinance.

The Certificate should read as follows: "This is to certify that this is an Official Zoning Map referred to in Section 4 of the Sypes Canyon Zoning District No. 1 Ordinance.      Commission Chairman

Attested

Date of Adoption-

If any changes to the map are made by amendment of this ordinance in accordance with Section 20 hereof, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto."

Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be made or published, the Official Zoning Maps kept in the office of the County Clerk and Recorder shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the zoning district.

4.3 Replacement of Official Zoning Maps - In the event that the Official Zoning Maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions thereto, the Board of County Commissioners may adopt and certify new Official Zoning Maps which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by signature of the Chairman of the Board of County Commissioners and attested by the County Clerk and Recorder. The certificate should read as follows:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ as part of the zoning ordinance for Sypes Canyon Zoning District No. 1, Gallatin County, Montana.

Commission Chairman

Attested

Date

4.4 Interpretation of Boundaries - Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

- 1 . Boundaries indicated as approximately following the center line of streets, highways, or alleys, shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s);
5. Boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Boundaries indicated as following Section lines of quarter section lines of quarter-quarter section lines shall be construed as following such lines;
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or where other circumstances or controversy arise over district boundaries the Board of County Commissioners shall interpret the district boundary.

4.5 Interpretation of Uses - If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Board of County Commissioners shall determine the appropriate classification for that use.

In interpreting use classification, the Board of County Commissioners shall determine:'

- 1 . That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.
2. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located.
3. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located.
4. That neither the intent of the ordinance nor the intent of the district will be abrogated by such classification.

## SECTION 5 APPLICATION OF DISTRICT REGULATIONS

Except as herein provided in Sections 12, 13, 16 and 17, with respect to supplementary regulations, conditional uses, non-conforming uses and non-conforming buildings, and variances, the regulations set by this ordinance shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- 5.1 No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.
- 5.2 No building or other structure shall hereafter be erected or altered: a) to exceed the height or bulk; b) to accommodate or house a greater number of families; c) to occupy a greater percentage of lot area; d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces.
- 5.3 No part of any yard, or other open space, or off-street parking required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking similarly required for any other building.
- 5.4 No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

## SECTION 6 AE AGRICULTURE EXCLUSIVE

6.1 Intent - The intent of the agricultural district is to protect and encourage those uses which are customarily associated with agricultural production.

### 6.2 Permitted Uses -

1. Accessory uses and buildings including single family dwellings and multi-family dwellings to house employees working on the farm or ranch.
2. Agriculture.
3. Conditional uses as provided in Section 13 of this ordinance
4. Home occupations.
5. Single family dwellings
6. The sale, on the premises, of products produced thereon.

6.3 Lot Area and Width\* - Minimum lot area in this district shall be 40 acres with a lot width of not less than 660 feet.

6.4 Lot Coverage - No more than two percent of the lot area shall be covered by the principal and accessory buildings.

6.5 Yards - Every lot shall have the following minimum yards:

|            |                   |
|------------|-------------------|
| Front yard | 35 feet           |
| Rear yard  | 25 feet           |
| Side yard  | 25 feet each side |

6.6 Building Height - Maximum building height for buildings designed and constructed for human occupancy shall be 24 feet. All other structures may exceed this height.

6.7 Off-street parking - Two off-street parking spaces shall be provided for each dwelling unit.

6.8 Animal enclosures - setback - Except for pastures, any stable, barn, hutch, pen, shed or other such structure built to enclose or house animals or fowl shall be not less than fifty (50) feet from any structure used for human occupancy.

\*Lot area and width shall not apply to lands used for agriculture production.

## SECTION 7 AS AGRICULTURE SUBURBAN DISTRICT

7.1 Intent - The intent of this district is to discourage small tract development in areas of agricultural importance and in areas of environmental concern. It is intended that through the use of this district, agricultural pursuits will be encouraged and environmental concerns, such as high water table and flood plains, will be protected.



## 7.2 Permitted Uses -

1. Agriculture
2. Condition uses as provided in Section 13 of this ordinance.
3. Home occupations
4. Single-family dwellings
5. The sale, on the premises, of products produced thereon.
6. Veterinary Clinics.

7.3 Lot area and width - Minimum lot area in this district shall be ten acres with a lot width not less than 330 feet.

7.4 Lot coverage - Not more ' than five percent of the lot area shall be covered by the principal and accessory buildings.

7.5 Yards - Every lot shall have the following minimum yards:

|            |                      |
|------------|----------------------|
| Front yard | 35 feet              |
| Rear yard  | 25 feet              |
| Side yard  | 25 feet on each side |

7.6 Building Height - Maximum height for building designed and constructed for human occupancy shall be 24 feet. All other structures may exceed this height.

7.7 Off-street parking - Two off-street parking spaces shall be provided for each dwelling unit.

7.8 Animal Enclosures - setbacks - Except for pastures, stable, barn, hutch, pen, shed or other such structure built to enclose or house animals or fowl shall be not less than fifty (50) feet from any structure used for human occupancy.

## SECTION 8 RS RESIDENTIAL SUBURBAN

8.1 Intent - The intent of this district is to provide for reasonable single-family development in areas with severe physical limitation and where central water and sewer systems are not available.

## 8.2 Permitted uses -

1. Accessory uses
2. Agriculture
3. Barns and animal shelters
4. Conditional uses approved in Section 13
5. Home occupations
6. Temporary buildings for and during construction only.
7. Newly constructed one-family dwellings
8. The keeping of animals and fowl for family food production and the keeping of horses for private use, together with their dependent young as hereinafter set for per 2 1/2 acres:

One horse, or one cow, or two sheep, or two goats, or ten rabbits, or 36 fowl (chickens, pheasants, pigeons, etc.) or six larger fowl (ducks, geese, turkey, etc.)

8.3 Lot area and width - Lot area for this district shall be determined by existing soils conditions and groundwater, and other limitations for urban development. Under no circumstances shall the lot area be less than one acre with a lot width not less than 150 feet.

Minimum lot areas for each residential suburban district shall be indicated by a numerical value following the district initials, i.e., R-S - 1 will indicate one acre minimum, R-S - 2 will indicate two acre minimum.

8.4 Lot coverage and floor area - Not more than 15 percent of the lot area shall be occupied by the principal and accessory buildings. And, each dwelling unit shall have a minimum of 1000 square feet of floor area.

8.5 Yards -

1. Every lot shall have the following minimum yards:

|            |                   |
|------------|-------------------|
| Front yard | 35 feet           |
| Rear yard  | 25 feet           |
| Side yard  | 25 feet each side |

2. All pens, coops, barns, stables, or permanent corrals shall be set back not less than 100 feet from any residence or public road and not less than fifty (50) feet from any property line.

8.6 Building height - Maximum building height in this district shall be 24 feet.

8.7 Off-street parking - Two off-street parking spaces shall be provided for each dwelling unit. Off-street parking for non-residential uses shall be provided as specified in Section 15 of this ordinance.

## SECTION 9 FORESTRY DISTRICT

9.1 Intent - The intent of this district is to provide protection for forested areas or areas of mountainous terrain but yet providing for limited use.

9.2 Permitted Uses -

1. Agriculture
2. Accessory uses
3. Forestry
4. Parks and playgrounds
5. Recreational campgrounds and resort areas, excluding living quarters.
6. Dude ranches.

9.3 Lot Area and Width - There is no prescribed minimum lot area or width. However, the lot should be of sufficient size to accommodate any proposed use.

9.4 Lot Coverage - No prescribed minimum.

9.5 Yards - Every lot shall have the following minimum yards:

Front yard 25 feet  
Rear yard 25 feet  
Side yard 25 feet on each

## SECTION 10 F-R FOREST RECREATION DISTRICT

10.1 Intent - The intent of the Forest-Recreation district is to provide for both forestry and recreational activities in mountainous areas.

### 10.2 Permitted Uses -

1. Agriculture
2. Accessory uses
3. Dwellings - one family
4. Forestry
5. Recreational campgrounds and resort areas
6. Dude ranches

10.3 Lot Area and Width - Lot area for this district shall not be less than one (1) acre and no lot width shall be less than 125 feet.

10.4 Lot coverage - Not more than 15 percent of the lot area shall be occupied by the principal and accessory buildings.

10.5 Yards - Every lot shall have the following yards:

Front yard 25 feet  
Rear yard 25 feet  
Side yard 20 feet on each side

10.6 Building height - Maximum building height shall be 32 feet.

10.7 Off-street Parking - Two off-street parking spaces shall be provided for each dwelling unit. Off-street parking for non-residential uses shall be provided as specified in Section 15 of this ordinance.

## SECTION 11 PLI PUBLIC LANDS AND INSTITUTIONS

11.1 Intent - The intent of this district is to provide for major public and quasi-public uses outside of other districts. Not all public and quasi-public uses need be classified PLI. Some may fit within another district; however, the larger areas should be distinguished PLI.

### 11.2 Permitted Uses -

1. Accessory uses
2. Agriculture
3. Forestry
4. Museums, zoos, historic and culture exhibits
5. Other public buildings, i.e., fire and police stations, ranger stations, fire look-out stations, and municipal buildings.

11.3 Lot Area and Width - No requirement.

11.4 Lot Coverage - The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings.

11.5 Yards - No requirement except when lot is adjacent to another district. The yards then shall be the same as the adjacent district.

11.6 Off-street Parking - Off-street parking for this district shall be provided in accordance with Section 15 of this ordinance.

## SECTION 12 SUPPLEMENTARY REGULATIONS

12.1 Visibility at Intersections - Notwithstanding other provisions of this ordinance in any residential district, fences, walls, hedges, or other planting may be permitted in any required yard, providing that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 ½ ) feet and ten (10) feet above centerline grades of the intersecting streets in the area bounded by street lines of such corner lots and a line joining points along said street lines 40 feet from property lines.

12.2 Accessory Buildings - No accessory buildings shall be erected in any required front yard, and no separate accessory building shall be erected within five and one-half (5-12) feet of any principal building.

An accessory building not to exceed one story or fourteen feet in height, including heating and cooling units, may occupy not more than .25 percent of the area of a required rear yard provided that any such accessory building wall shall be at least five and one-half (5-12) feet from the nearest point of the main building wall excluding eave overhang and eight (8) feet from the rear and side property lines.

12.3 Principal Structures - - In any district, more than one structure housing a permitted or permissible principal and customary accessory use may be erected on a single lot or tract of land provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

12.4 Exceptions to Height Regulations - The height limitation contained in any district regulations do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, grain elevators, or other agriculture buildings.

12.5 Structures to have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe convenient access for servicing, fire protection, and required off-street parking.

12.6 Zero Lot line - Where an individual owns two adjoining lots or where the owners of two adjoining lots make legal written agreement a zero lot line may be used for single-family dwellings, but only so as to create a zero lot line on one side of any lot.

12.7 Fallout Shelters - Fallout shelters to protect human life during period of danger may be constructed in, or under, any required yard except that if constructed in a front yard or side yard, none of it may protrude above the average grade of the lot.

12.8 Outdoor lighting - Outdoor lighting of trees, bushes, fountains, swimming pools, or grounds or residences shall not illuminate or be reflected upon any adjacent property.

12.9 Outside Storage, enclosure required - All salvage dealers, or other persons accumulating, depositing, or storing salvage material within the Zoning District when the accumulating, depositing, or storing thereof shall be without a building or not within a building, either now stored, deposited or accumulated or hereafter so deposited, stored, or accumulated, shall fence surrounding salvage materials with a solid fence at least eight (8) feet high, sufficient to enclose the salvaged materials from public view from outside the enclosure.

12.10 Corner lots - When a lot faces more than one street and front yard setbacks have been established or in all probability will be established on both streets, corner lot setbacks shall be at least as great as established for each street.

12.11 Protection of Street Rights-of-Way - No land use permit shall be issued or use proposed in any street right-of-way or any proposed street right-of-way proposed on any official Master Plan adopted by the Board of County Commissioners which is still in effect.

12.12 Fences, Walls, and Hedges -

1. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight (8) feet in height. Fences exceeding eight (8) feet in height shall be subject to the minimum yard requirements of the district in which such fences are located. However, no fences, walls, and hedges shall exceed four (4) feet in any front yard as defined in this ordinance. Fences used in an agricultural pursuit to retain stock animals shall be excepted.

12.13 Lots in two zones - Where a district boundary line as established in this ordinance divides a lot which was of single ownership and of record at the time of this ordinance, the use thereon and the district requirements applying to the least restricted portion of such lot is entirely within twenty (20) feet of the dividing line, the use so extended shall be deemed to be conforming.

12.14 Yard Encroachments - Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

a. Cornices, chimneys, canopies, eaves, balconies or other similar features may extend into a required yard space not more than three (3) feet.

b. Open, unwallled, uncovered steps and entrance landing may extend into a required yard space not more than five (5) feet.

12.15 Stop Order - Whenever any building work is being done contrary to the provisions of this ordinance, the Zoning Enforcement Agent shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forewith stop such work until authorized by the Zoning Enforcement Agent to proceed with the work.

## SECTION 13 CONDITIONAL USES

13.1 Intent - The intent of conditional use permits is to provide for specific uses other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions.

13.2 Conditional Use Requirements - No structure or land may be used f or any purpose in any district where such use is not a permitted use, unless such use is listed as a conditional use in this section and approval f or that use is obtained through the proper procedure.

Conditional use permits shall be granted only by the zoning Commission, when their findings are that:

1. The use conforms to the objectives of a master plan and the intent of this ordinance; and
2. Such use will not adversely affect nearby properties or their occupants; and
3. Such use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this ordinance; and
4. Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

### 13.3. Conditional Use Procedure -

1. All applications for conditional use permits shall be filed with the Gallatin County Planning Office, accompanied with the appropriate filing fee.
2. The Zoning Commission shall then cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each application is consistent with the intent and purpose of this ordinance.

3. Upon completion of such investigation the Zoning Commission shall hold a public hearing to gather needed facts from all interested parties. The Zoning Commission may continue such hearing, if needs be, to take additional information. Thereafter, the Zoning Commission shall either approve or deny the application. The public hearing shall be held within sixty (60) days of the filing of a proper application. After completion of the public hearing, the Planning and Zoning Commission shall make its decision in writing, which decision shall include finding of facts as to whether the criteria established for the approval of the request are satisfied.

4. Notice of public hearing for conditional use permits shall be published at least 15 days prior to the hearing in a newspaper of general circulation. In addition, the county shall send certified letters to owners of record of the subject property and the property immediately adjoining the subject property.

13.4 Conditional Approval - The Zoning Commission may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce any adverse effects on nearby property or residences, to preserve the character of the area or to make it more acceptable in other ways. Said conditions may include but not be limited to the following:

1. Special setbacks, yards, open spaces and buffers
2. Fences and walls
3. Lighting
4. Regulation of signs
5. Regulation of vehicular ingress and egress
6. Regulation of time of certain activities
7. Landscaping and maintenance thereof
8. Time schedule of proposed development
9. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat and noise.

13.5 Conditional Uses - The following uses, may be permitted as conditional uses in the district as specified.

A-E Agriculture Exclusive District -- public and private parks and playgrounds, golf courses and county clubs, hunting and fishing clubs, schools, and churches.

A-S Agriculture Suburban - Same as A-E and including travel trailer parks.

R-S Residential Suburban District - churches, schools (non-boarding, nursery, elementary, junior and senior high), golf courses and country clubs, other recreational uses.

## SECTION 1-4 TRAVEL TRAILER PARKS

14.1 Intent - The intent of this section is to provide for travel trailer park development at appropriate locations and to establish standards for development in order to integrate travel trailer parks into certain areas of the County without adversely affecting surrounding properties.

14.2 Definitions - For the purpose of this section, definitions in Section 3 of this ordinance shall apply except for the following term:

Site - The entire gross area of this travel trailer park.

#### 14.3 Permitted Uses -

1. Accessory uses related to park management and occupant need and enjoyment and according to the following schedule: management headquarters, recreational facilities, toilets, showers, laundry facilities (coin operated), gift and souvenir shops and other uses and structures customarily incidental to operation of travel trailer parks.
2. Other uses may be allowed when approved by the Zoning Commission and in conformity to the following limitations.
  - A. That such uses including parking areas occupy not more than 10 percent of the total park area.
  - B. That such use shall be restricted to use by occupants of the park or be located such that the use will not interfere with the operation of the park.
  - C. That the use is a permitted use of the district in which the park is to be located.
3. Travel trailer parks may be used for: travel trailers, equivalent facilities in or on automotive vehicles, tents, or other short term recreational shelter arrangements on a temporary basis only.

14.4 Conflict with the Law - If there appears to be a conflict between the regulations and standards in this section with any other local, state, or federal regulation for travel trailer parks, the more restrictive regulations shall be followed.

14.5 Permits - It shall be unlawful for any person to construct, alter, or extend any travel trailer park unless he holds necessary valid permits issued by the Division of Environmental Sanitation, State Department of Health and the Zoning Enforcement Agent.

14.6 Design Standards - Any person desiring to enlarge or establish a travel trailer park shall meet or exceed the following design standards:

1. Size - Minimum site size for travel trailer parks shall be two (2) acres.
2. Access - All travel trailer parks shall have access to an arterial or collector street with a right-of-way width of 80 feet or more which is a through route for tourist traffic. Entrances and exits shall be designed for safe traffic. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize congestion of free moving traffic on adjacent streets.
3. Setback - All lots for travel trailers or other temporary shelter apparatus and all accessory buildings shall be set back at least twenty-five (25) feet from all property lines. The area created by such setback shall be used for landscaping.



5. Height - Maximum height for any structure within a travel trailer park shall be that of the district in which the park is to be located.
6. Streets -Interior streets within the park shall provide for safe convenient circulation without interference or hazard to general park activities.
6. Service Areas - Service areas shall be provided in the following manner:
  - A. Service buildings shall be conveniently located within a radius of approximately 300 feet to all spaces to be served. Laundry facilities shall be required in addition to the following. If commercial laundry facilities are conveniently located to the trailer park, the laundry facility requirement may be considered for waiver by the Zoning Commission.

| No. of<br>Dependent<br>Parking<br>Spaces |     | Toilets |       | Urinals | Lavatories |       | Showers |       | Other       |
|--|-----|---------|-------|---------|------------|-------|---------|-------|-------------|
|  |     | Men     | Women | Men     | Men        | Women | Men     | Women | Fixtures    |
| 1 -                                      | 15  | 1       | 1     | 1       | 1          | 1     | 1       | 1     |             |
| 16 -                                     | 30  | 1       | 2     | 1       | 2          | 2     | 1       | 1     | At least    |
| 31 -                                     | 45  | 2       | 2     | 1       | 3          | 3     | 1       | 1     | one janitor |
| 46 -                                     | 60  | 2       | 3     | 2       | 3          | 3     | 2       | 2     | sink per    |
| 61 -                                     | 80  | 3       | 4     | 2       | 4          | 4     | 2       | 2     | service     |
| 81 -                                     | 100 | 3       | 4     | 2       | 4          | 4     | 3       | 3     | building    |

B. Facilities for storage and disposal of trash and garbage in a sanitary manner shall be provided in each park.

C. Street and yard lights, attached to standards approved by the County, shall be provided in sufficient number and intensity to permit safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps.

7. Parking - Parking for all uses within the travel trailer park shall be provided in accordance with Section 15 of this ordinance.

14.7 Approval - Approval of a travel trailer park shall be obtained through conditional use permit procedure as specified in Section 13 of this ordinance. The Zoning Commission may require other standards and safeguards as specific locations and circumstances dictate and as provided in Section 13 of this ordinance.

## SECTION 15 OFF-STREET PARKING

15.1 Intent - The intent of this section is to reduce traffic congestion and the need for parking on public streets and hazards caused thereby, and to provide off-street parking adequate for each type of development in terms of both quantity and location.

15.2 Design - Off-street parking required for uses herein specified shall be only for vehicles of employees, customers, and residents of the activity served.

1. Location - Off-street parking as required by this ordinance shall be located as specified herein:
  - A. Single-family dwellings: On the same lot with the dwelling they are required to serve.
  - B. Multi-family dwellings: On the same lot with the dwellings they are required to serve.
  - C. Hospitals, sanitariums, apartments, rooming and boarding houses: not more than 100 feet.
2. Size - An off-street parking space shall be at least ten (10) feet in width and twenty (20) feet in length (except 30-degree angle parking may be nine (9) feet in width), exclusive of access drives, yards, or ramps. Such spaces shall have a vertical clearance of at least seven (7) feet.

15.3 Space Required - The following number of off-street parking spaces per use are required in all districts:

1. Single- and multi-family - two spaces per unit.\*
2. Apartments - one and a half spaces per unit.
3. Rooming and Boarding houses - two per dwelling unit plus one per rooming unit.

\*One space as required may be within the driveway area.

## SECTION 16 NON-CONFORMING LOTS, USES AND STRUCTURES

16.1 Intent - Within the districts established by this ordinance or amendments thereto, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was adopted or amended, but which would be prohibited, regulated or restricted under terms of this ordinance or future amendments. It is the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-Conforming uses are declared by this ordinance to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this ordinance and which actual building construction has been carried diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

16.2 Non-conforming Lots of Record - In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single lot of record on the effective date of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Where lots are larger than required by this ordinance, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this ordinance.

16.3 Non-Conforming Uses of Land - Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such non-conforming land use of land ceases for any reason for a period of more than ninety (90) days, and subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional non-conforming structure in connection with the requirements of this ordinance shall be erected in connection with such non-conforming uses of land

16.4 Non-conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be altered or enlarged in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to the extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

16.5 Non-conforming Uses of Structures - If lawful use of a structure or of structures and premises exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful providing that:

1. No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to a permitted use.
2. Any non-conforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
3. Non-conforming use of building, structures, or premises may be changed to another non-conforming use, provided that a conditional use permit is obtained from the Zoning Commission determining whether or not to grant the conditional use permit the Zoning Commission shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

In permitting such use, the Zoning Commission may require appropriate conditions or safeguards.

4. Any structure, or structure and land, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the non-conforming use may not thereafter be resumed.
5. Whenever a non-conforming use of a structure or a premises ceases for ninety (90) days, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of ninety (90) days.
6. Where non-conforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the non-conforming status of the land.

16.6 Repairs and Maintenance - On any non-conforming structure or portion of the structure containing a non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of non-bearing walls, to an extent not exceeding 10 percent of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

16.7 Conditional Uses - Conditional uses provided for under Section 13 of this ordinance shall not be deemed a non-conforming use in the district in which it is permitted.

## SECTION 17 VARIANCES

17.1 - Variances from the terms of this ordinance may be granted by the Zoning Commission only when it is found that because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical classifications.

17.2 Procedure - Written applications for variance shall be filed with the Gallatin County Planning Department. The appropriate fee shall accompany each application. An application shall not be regarded as having been filed until said fee is paid.

The Zoning Commission shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this ordinance.

17.3 Hearing and Notice - There shall be a hearing for each application of appeal. Said hearing shall be held at an appointed time and place. Testimony shall be taken by the Zoning Commission from persons interested in said application and from the Zoning Enforcement Agent. The public hearing shall be held within sixty (60) days of the filing of a proper application.

Notice of hearing shall be published once in a newspaper of general circulation within the county at least fifteen (15) days prior to the hearing date. In addition, the county shall send a certified letter to owners of record of property adjoining a proposed zoning change.

17.4 Approval - In approving applications of appeal, the Zoning Commission may designate such lawful conditions as will secure substantial protection for the public health, safety, and general welfare and shall find as follows:

1. Such modification will not be inconsistent with the intent and purpose of this ordinance and/or the adopted development pattern.

2. That strict compliance with the provisions of this ordinance would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property.
3. That the variance will have minimal adverse effect on abutting properties or the permitted uses thereof.
4. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare.

17.5 Conditions of approval - Any approval under this section shall be subject to the terms of the conditions designated in connection therein.

## SECTION 18 ADMINISTRATION

18.1 Employees and Officers - In accordance with Section 76-2-101, M.C.A., 1978, the Sypes Canyon Planning and Zoning Commission is hereby authorized to appoint and hire such employees and officers as shall be deemed necessary to carry out the provisions of this regulation, including a Zoning Enforcement Agent.

The Zoning Enforcement Agent may be an employee of the County of Gallatin and if so, shall perform duties hereunder without remuneration in excess of their regular salary.

If the Zoning Enforcement Agent shall find that provisions of this ordinance are being violated with respect to zoning requirements, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and requesting that action be taken to correct it. He shall request discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of an illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or prevent violation of its provisions.

18.2 Permits - No buildings or other structure shall be erected, moved, added to or structurally altered and no land use shall be changed without valid permits as prescribed herein.

The application shall include such other information as lawfully may be required by the Zoning Enforcement Agent including existing or proposed building and land; the number of families, housing units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for enforcement of this ordinance.

One copy of the application and plans shall be returned to the applicant by the Zoning Enforcement Agent, after he shall have marked such copy either as approved or disapproved and attested to same by his signature. The original copy shall be retained by the Zoning Enforcement Agent.

18.3 Conformance - No permit of any type shall be issued unless in conformance with the regulations contained within this ordinance. Permits issued on the basis of plans and applications approved by the Zoning Enforcement Agent authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.

Conditional use permits and variances by the Planning and Zoning Commission shall be deemed in conformance with the terms of this ordinance. However, land use permits shall be issued only in accordance with the terms set forth in the conditional use permit and variance sections of this ordinance.

18.4 Expiration of Permits - Every permit issued by the Zoning Enforcement Agent under the provisions of this ordinance shall expire by limitation and become null and void, if the building or work authorized by such permit has not commenced within 90 days from the date of such permits, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore, shall be one-half (1/2) the amount required for the new permit for such work, provided no changes have been made or will be made in the original plans and specifications for the work; and provided further that such suspension or abandonment has not exceeded one year.

18.5 Permits Issued Contrary to this Ordinance - Any land use permit, or any authorization issued, granted, or approved in violation of the provisions of this ordinance, shall be null and void and of no effect without the necessity of any proceedings or a revocation or nullification thereof, and any work undertaken or use established pursuant to any such land use permit or other authorization shall be unlawful.

18.6 Duties of the Zoning Enforcement Agent - It shall be the duty of the Zoning Enforcement Agent to issue all land use permits and review all applications submitted to the Planning and Zoning Commission for conditional use permits, variances, rezoning requests and amendments to the ordinance. The Zoning Enforcement Agent and his staff shall work for the Planning and Zoning Commission and be in advisory capacity making recommendations on all requests. The Zoning Enforcement Agent and his staff shall also investigate any possible violations to the zoning ordinance.

18.7 Appeals - Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this ordinance may be taken in writing to the Zoning Commission. Such an appeal from the decision of the Zoning Enforcement Agent must be taken within ten (10) working days in writing to the Zoning Commission.

A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this ordinance to be decided after holding a public hearing. Such hearing shall be held in accordance with Section 17 of this ordinance.

1 8.8 Fees - All applications for permits, zone changes, conditional uses, or variances shall be accompanied by the applicable fees, which shall be established by the Planning and Zoning Commission by resolution after public notice and hearing.

No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning and Zoning Commission, unless, or until, preliminary charges and fees have been paid in full.

## SECTION 19 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements adopted for the promotion of the health, safety, and general welfare of the zoning district. Wherever the requirements of this ordinance vary from the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern.

## SECTION 20 AMENDMENTS AND CHANGES

This ordinance may be amended whenever the public necessity and convenience and general welfare requires such amendment and according to the procedures prescribed by law, and this ordinance.

An amendment may be initiated by:

1. The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Gallatin County Planning Office, and shall be accompanied by the appropriate fee payable to the County of Gallatin, no part of which shall be returnable to the petitioner; or by
2. Resolution of intention of the Board of County Commissioners; or
3. Resolution of intention by the Planning and Zoning Commission.

Upon receipt of a proper application for an amendment or a resolution of intent, the Planning and Zoning Commission shall schedule a public hearing within sixty (60) days and said hearing shall be held not less than fifteen (15) days after notice thereof is published in a newspaper of general circulation within the County and notice is posted in at least three (3) public places within the area affected.



Prior to final action of any amendment to this ordinance, the Planning and Zoning Commission shall request a report thereon from the Zoning Enforcement Agent. Failure of said agent to forward said report within 30 days from the time it was requested to do so shall be deemed to a recommendation for approval of such amendment by said enforcement agent.

## SECTION 21 VIOLATION OF ORDINANCE

21.1 Compliance Regarding Violations - Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Planning and Zoning Commission or the Zoning Enforcement Agent. The Zoning Enforcement Agent shall then properly record the complaint and immediately investigate and take action thereon as provided by this ordinance.

21.2 Penalties - Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the Sypes Canyon Planning and Zoning Commission shall constitute a misdemeanor. Any person who violates the ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$500.00 or imprisoned not more than six (6) months or both and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such.

## SECTION 22 INVALIDATION

If any Section, subsection, subdivision, sentence, clause, paragraph or phase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations to render the same operative and reasonably effective for carrying out the main purpose intention of the regulations.

## SECTION 23 INTENT

The intent of these zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area. Nor are these regulations set up to prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an ordinance, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.

## SECTION 24 ADOPTION

This entire regulation was adopted on April 13, 1979, and was amended on December 9, 1981. This retype of the regulation was reviewed by the Sypes Canyon No. I Planning and Zoning Commission and is an accurate retype of the original regulation with the adopted amendments.